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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 JEFFREY HAW,

No. C 12-5167 SI

9 Plaintiff,

**ORDER REMANDING ACTION TO
ALAMEDA COUNTY SUPERIOR
COURT**

10 v.

11 JOHN HOWARD,

12 Defendant.
13 _____/

14 On August 30, 2012, plaintiff Jeffrey Haw filed a case in Alameda County Superior Court
15 against defendant John Howard for unlawful detainer. On September 4, 2012, defendant filed a notice
16 of removal to this Court, asserting federal subject matter jurisdiction under 28 U.S.C. § 1331, because
17 the action allegedly arises under 28 U.S.C. § 1655, 42 U.S.C. §§ 12181-89, and 11 U.S.C. § 1983. On
18 October 30, 2012, plaintiff filed a motion to remand to case to the Alameda County Superior Court.

19 On November 27, 2012, Magistrate Judge Cousins filed a Report and Recommendation
20 recommending that the Court grant defendant's motion to remand. The Court has reviewed the Report
21 and Recommendation, the complaint, and the motion to remand, and concludes that the case should be
22 remanded for the reasons set forth in the Report and Recommendation. Accordingly, the Court
23 ADOPTS the Report and Recommendation and REMANDS the case to the Alameda County Superior
24 Court.

25 **IT IS SO ORDERED.**

26 Dated: December 13, 2012
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SUSAN ILLSTON
United States District Judge